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Remarks

Claims 1-22 was pending in the application. Claims 9-22 have been canceled. Therefore, claims 1-8 remain pending in the application.

Claims 2-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 1, 7, and 8 are rejected under 35 U.S.C. 103 as being unpatentable over U.S. Patent No. 5,760,934 issued to Sutter et al. on June 2, 1998 in view of U.S. Patent No. 5,442,623 issued to Wu on August 15, 1995.

Each of the various rejections and objections are overcome by amendments that are made to the specification, drawing, and/or claims, as well as, or in the alternative, by various arguments that are presented.

Any amendments to any claim for reasons other than as expressly recited herein as being for the purpose of distinguishing such claim from known prior art are not being made with an intent to change in any way the literal scope of such claims or the range of equivalents for such claims. They are being made simply to present language that is better in conformance with the form requirements of Title 35 of the United States Code or is simply clearer and easier to understand than the originally presented language. Any amendments to any claim expressly made in order to distinguish such claim from known prior art are being made only with an intent to change the literal scope of such claim in the most minimal way, i.e., to just avoid the prior art in a way that leaves the claim novel and not obvious in view of the cited prior art, and no equivalent of any subject matter remaining in the claim is intended to be surrendered.

Also, since a dependent claim inherently includes the recitations of the claim or chain of claims from which it depends, it is submitted that the scope and content of any dependent claims that have been herein rewritten in independent form is exactly the same as the scope and content of those claims prior to having been rewritten in independent form. That is, although by convention such rewritten claims are labeled herein as having been "amended," it is submitted that only the format, and not the content, of these claims has been changed. This is true whether a dependent claim has been rewritten to expressly

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include the limitations of those claims on which it formerly depended or whether an independent claim has been rewriting to include the limitations of claims that previously depended from it. Thus, by such rewriting no equivalent of any subject matter of the original dependent claim is intended to be surrendered. If the Examiner is of a different view, he is respectfully requested to so indicate.

**Objection to Claims 2-6**

Claims 2-6 were objected to, but were indicated to be allowable if rewritten in independent form. Claim 2 has been rewritten in independent form including all the limitations of claim 1. Claims 3-6 depend, either directly or indirectly, from independent claim 2. Therefore, claims 2-6, as now presented, are allowable.

**Rejection Under 35 U.S.C. 103(a)**

Claims 1, 7, and 8 are rejected under 35 U.S.C. 103 as being unpatentable over U.S. Patent No. 5,760,934 issued to Sutter et al. on June 2, 1998 in view of U.S. Patent No. 5,442,623 issued to Wu on August 15, 1995.

This ground of rejection is respectfully avoided

Applicants' independent claim 1 requires that when a first carrier is not capable of transmitting first information over a fiber, the first information is modulated on a second carrier for transmission over the fiber. The Office Action admits that Sutter does not specifically disclose when a first carrier is not capable of transmitting first information over a fiber, the first information is modulated on a second carrier for transmission over the fiber.

Nevertheless, the Office Action's suggestion to the contrary notwithstanding, there is no such teaching in Wu. More specifically, Wu teaches that each node includes switches that routes the information to a protection ring thereby avoiding the fault in the ring. Wu is silent on modulating information on a second carrier when the first carrier is unable to transmit over a fiber. Wu teaches the information is routed to a different path using the same carrier. Wu does not have the requisite modulating information on a second carrier for transmitting over the same fiber, and so cannot meet this requirement.

Since neither Sutter et al. nor Wu teach or suggest when the first carrier is not capable of transmitting first information over the fiber, the first information is modulated on the second carrier for transmission over the fiber, as called for in applicants'

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independent claim 1, claim 1 is allowable over the proposed combination of Sutter et al. in view of Wu under 35 U.S.C. 103. Because claims 7 and 8 are dependent claims including all the limitations of claim 1, they are also allowable over the proposed combination of Sutter et al. in view of Wu under 35 U.S.C. 103.

Therefore, applicants' claims are allowable over Sutter et al. and Wu under 35 U.S.C. 103(a).

Conclusion


It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

If, however, the Examiner still believes that there are unresolved issues, he is invited to call applicants' attorney so that arrangements may be made to discuss and resolve any such issues.

In the event that an extension of time is required for this amendment to be considered timely, and a petition therefor does not otherwise accompany this amendment, any necessary extension of time is hereby petitioned for, and the Commissioner is authorized to charge the appropriate cost of such petition to counsel's Deposit Account No. 20-0782/LCNT/CHROMTS6.

Respectfully,  
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3/20/06

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